

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

Chapter 11

2128 FLATBUSH AVE LLC,

Case No.: 23-43371-ess

Debtor.

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**DECLARATION OF MICHAEL MCMAHON PURSUANT  
TO LOCAL BANKRUPTCY RULE 1007-4**

Michael McMahon, hereby declares under penalty of perjury that the following statements are true and correct:

1. I am the managing member of 2128 Flatbush Ave LLC, the debtor and debtor in possession (the “Debtor”) and am fully familiar with the facts set forth herein.

2. I submit this declaration in accordance with Rule 1007-4 of the Local Rules for the United States Bankruptcy Court for the Eastern District of New York (the “Local Rules”) in support of the Debtor’s filing of a voluntary petition for relief under Chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

**Local Rule 1007-4(a)(i)**

3. The Debtor is not a small business debtor.

**Local Rule 1007-4(a)(ii)**

4. The Debtor is a limited liability company, which owns the real properties known as and located at 99-18 Rockaway Beach Boulevard, Rockaway Park, New York 11694 (the “99-18 Rockaway Property<sup>1</sup>”) and 99-20 Rockaway Beach Boulevard, Rockaway Park, New York 11694

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<sup>1</sup> A tax lien auction of the 99-18 Property may have been held on September 1, 2023. However, upon further information and belief, as of the current date, the Debtor still holds title to the 99-18 Property.

Blvd (the “99-20 Property”) (the 99-18 Property and the 99-20 Property shall hereinafter be collectively referred to as the “Properties”).

5. The Debtor’s filing was precipitated by the Debtor’s need to preserve the Properties for the benefit of its creditors and equity holders.

**Local Rule 1007-4(a)(iii)**

6. This case was not originally commenced under Chapter 7 or 13 of title 11 of the United States Code, 11 U.S.C. §§ 101, et seq. (the “Bankruptcy Code”).

**Local Rule 1007-4(a)(iv)**

7. Upon information and belief, no committee was organized prior to the order for relief in this Chapter 11 case.

**Local Rule 1007-4(a)(v)**

8. A list of the names and addresses of the Debtor’s respective 20 largest unsecured claims, excluding those who would not be entitled to vote at a creditors' meeting under 11 U.S.C. Section 702; those who were employees of the Debtor at the Filing Date, and creditors who are "insiders" as that term is defined in 11 U.S.C. Section 101(31) is annexed to the Petition.

**Local Rule 1007-4(a)(vi)**

9. The Debtor’s secured creditors are NYCTL 2019-A Trust and the Bank of New York Mellon as Collateral Agent and Custodian for the NYCTL 2019-A Trust, the New York City Department of Finance, and the New York City Water Board.

**Local Rule 1007-4(a)(vii)**

10. A summary of the Debtor’s assets and liabilities will be filed with the Court.

**Local Rule 1007-4(a)(viii)**

11. There are no publicly held securities of the Debtor. A list of equity security holders will be filed with the Court.

**Local Rule 1007-4(a)(ix)**

12. None of the Debtor's property is in the possession of any custodian, public officer, mortgagee, pledge, assignee of rents, or secured creditor, or any agent for such entity.

**Local Rule 1007-4(a)(x)**

13. The Debtor has legal and/or equitable interests in the Properties.

**Local Rule 1007-4(a)(xi)**

14. Upon information and belief, substantially all of the Debtor's books and records are in my possession.

15. The Debtor does not own any assets outside the territorial limits of the United States.

**Local Rule 1007-4(a)(xii)**

16. The only known action or proceedings pending against the Debtor is the civil action entitled NYCTL 2019-A Trust, and the Bank of New York Mellon as Collateral Agent and Custodian for the NYCTL 2019-A Trust -against- 2128 Flatbush Ave LLC, New York State, Department of Taxation and Finance, and New York City Department of Finance, pending in the Supreme Court of the State of New York, Queens County (Index No. 716909/2020).

**Local Rule 1007-4(a)(xiii)**

17. The Debtor's senior management consists of me.

**Local Rule 1007-4(a)(xiv)**

18. The payroll for the thirty (30) day period following the filing of the chapter 11 petition will be: \$00.00.

**Local Rule 1007-4(a)(xv)**

19. I anticipate that funds will be available to be paid for services to its officers and directors as a management fee for the thirty (30) day period following the filing of the Chapter 11 petition.

**Local Rule 1007-4(a)(xvi)**

20. The Debtor cash receipts and disbursements for the thirty (30) day period following the filing of the Chapter 11 petition will be approximately:

**Income: \$2,200.0**

**Disbursements: \$9,400.00**

I hereby declare, pursuant to section 1746 of title 28 of the United States Code that the foregoing is true to the best of my knowledge, information, and belief.

Dated: September 20, 2023

2128 FLATBUSH AVE LLC

By: /S/ Michael McMahon  
Michael McMahon  
Managing Member